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Group of Experts on the Simplification
and Standardization of External Trade
Documents

UNITED NATIONS CONFERENCE
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TRADE DOCUMENTATION INFORMATION

STUDY FOR EFFECTING SIMPLIFICATION OF EXPORT
PROCEDURES AND DOCUMENTS IN INDIA

(Note by the Inter-regional Adviser on Trade Documentation)

1. Recognizing the fact that complicated procedures, formalities and paper work relating to all the different facets of the export effort can constitute an impediment in and handicap to the accelerated growth of exports and cause delays and economic waste, the Indian Institute of Foreign Trade (IIFT), with the approval of the Ministry of Foreign Trade of India, has completed a comprehensive study for effecting simplification of procedures and documents relating to various stages of export transactions. The following account is based on information received from the IIFT.

1. STUDY PROGRAMME AND METHODOLOGY

2. Procedures, formalities and documentation arise from the controlling and regulatory requirements and are often the result of various statutes, rules and regulations promulgated by the Government and applied by banks, carriers, customs authorities, forwarding agents, insurance companies, port authorities and others. In a developing economy, controls are inevitable, though in India an effort is already being made to lift controls wherever feasible. The controls lead inevitably to the development of rules and regulations and their concomitant procedures and formalities. It is important that the operation of controls and their procedures are constantly kept under watch so that they do not hamper the economic development and the export effort of the country. It is against this background that the entire field of export procedures and documentation was intensively surveyed for elimination of the bottlenecks and delays.

Objectives of the study

3. The broad objectives of the study were :

(i) To make a systematic and detailed study of the existing export procedures and documentation requirements with a view to locating problems, delays and economic waste involved at various stages in the respective areas relating to export effort;

(ii) To suggest simplification and standardization of procedures, export documents and forms, and to evolve improved procedures of processing the export orders, through concerned institutions, organizations, agencies and departments of the Central and State Governments;

(iii) To determine the specific action required to be taken by the Government and other institutions as well as the industry and trade for acceptance and adoption of the improved procedures, export documents and other forms; and

(iv) To indicate modifications and amendments to existing rules, regulations and enactments which may be necessary for the adoption of improved procedures, documents and forms.

Scope of the study

4. The major areas of the study where detailed investigations have been made for effecting simplification of existing procedures and documents are:

(i) Export assistance and incentives and export licensing;

(ii) Customs and central excise clearance of export cargo and payment of rebate and drawback of central excise and customs duties;

(iii) Foreign exchange regulations and export finance;

(iv) Transportation and shipment of export cargo; and

(v) Quality control and pre-shipment inspection and other administrative procedures.

Approach to the study

5. The approach to the study consisted of the following steps:

(i) Determination of the need of each organization in the system, the specific elements of information necessary to accomplish the need and the timing required for completion of formalities at each stage;

(ii) Identification of the overlap of procedures and common items of information in such a manner which will help to locate areas where there is duplication of effort and delay in individual areas relating to the export effort;

(iii) Development of a system which would permit linking of the procedural requirements of various sub-systems, wherever feasible, with a view to achieving simplification of the procedures, forms and documents; and

(iv) Determination of the steps for accomplishing implementation of the programme of introducing improved systems and procedures and recommendations for adoption by the concerned departments, agencies, organizations and institutions.

Methodology

6. The study was completed in six phases: desk research, field study within the country, study overseas, analysis of information for determining the areas of delays and duplication, field test survey, preparation of report and follow-up for implementation. In order to ensure that the examination of the existing procedures and documents is comprehensive and meaningful the areas of investigations were delineated in great deal in consultation with the government departments, such as the Chief Controller of Import and Export, Customs and Central Excise Authorities, Banks, Clearing and Forwarding Agents, Shipping Companies, Quality Control and Export Inspection Council, etc. This was followed by a comprehensive desk research with a view to acquiring complete understanding of the procedure prescribed by various government departments and organizations relating to export of goods. The main objective of this study was to determine:

- (i) The need of each organization and the specific procedure prescribed to accomplish the needs.
- (ii) Documentation formalities incidental to the procedure.
- (iii) Extent to which the prescribed procedure is intended to fulfil the requirements prescribed by legislation, rules and regulations.

7. Based on the preliminary investigations and desk research, a comprehensive plan for conducting field study in India was drawn up. This study was conducted in three stages at four major port towns of Bombay, Calcutta, Madras and Cochin. In the first stage discussions were held with government departments such as the Joint Chief Controller of Import and Export, Customs, Central Excise, Port Trust, Export Credit Guarantee Corporation, Banks, Export Inspection Council, Shipping Companies, Clearing and Forwarding Agent, etc. These discussions were mainly devoted to gathering relevant information pertaining to procedural formalities and documentation requirements. Preliminary discussions with these departments were followed by a detailed study of the procedures step by step. Documents and files were followed through various stages of their flow in the departments in order to locate areas of delays and duplication. In the second stage a series of discussions were held with the Export Promotion Councils, Commodity Boards, Chamber of Commerce, Trade Organizations, Export Houses, Manufacturer-Exporters, etc. During these discussions problems and difficulties

arising out of the existing procedures and documents were identified and specific areas of delays and duplication high lighted. Several suggestions were made by trade and other organizations for simplifying this procedure and reducing the export paper work. During the third stage, problems and delays brought by industry and trade and the suggestions offered by them for simplification of procedures and documents were discussed and examined with the concerned government departments with a view to finding out:

- (i) the precise reasons which cause delay at various stages;
- (ii) the extent to which these problems of delay and duplication arise from procedural formalities; and
- (iii) practicability of the suggestions made by industry and trade from the point of view of their implementation.

8. Based on the desk research and the field investigations in India, certain specific areas of procedures and documentation such as export-import licencing, customs formalities, foreign exchange regulations and drawback of duties were selected for an intensive study in selected countries in order to determine what improvement can be effected in procedures and documentation requirements. The study abroad was conducted by two members of the study team - one visited Japan, Korea and Hong Kong and the other Sweden, United Kingdom and the Federal Republic of Germany.

9. Information collected from the studies in India and abroad were analysed to determine:

- (i) the specific needs of each organization for various purposes, viz., exercise of control on exports, collection of statistics, receipt and release of foreign exchange, fulfilment of the obligation arising out of various enactments, rules, regulations, etc.;
- (ii) the stages in the total procedure of export transaction and the time element involved at each stage;
- (iii) requirements of export documents at the respective stages by different organizations; and
- (iv) extent of overlap of procedures and duplication of information in various documents and to locate areas of delay in the movement of export cargo.

10. Based on this analysis, specific problems were identified and workable suggestions for abolishing certain formalities and documents effecting amendment to existing laws and regulations were formulated. These suggestions were discussed with the concerned

government departments and other institutions and agencies, and preliminary recommendations for effecting simplification of procedures and documents were formulated.

11. The findings of the study were tested in co-operation with export organizations and concerned government departments. During the course of this field test survey, case studies were conducted to find out whether the suggestions and recommendations for simplification of procedures adequately fulfil the requirements of various departments. Based on the findings of the field test survey, requisite modifications and alterations were made in the recommendations and suggestions for improving procedures and documents.

12. Major recommendations and conclusions of the study were presented to the representatives of concerned government departments in a meeting of January 13, 1970, presided by the Secretary, Ministry of Foreign Trade. Appreciating the need for streamlining the export procedures and related documents, it was suggested that the IIFT study team should also initiate the process of consideration of the recommendations and conclusions with the representative of the concerned government departments and other organizations. It was also decided that the Institute should work out the operational details for implementation of the recommendations after they were accepted.

13. In pursuance of the above decision, the IIFT initiated the process of consideration of the various recommendations first for acceptance by the concerned government departments and later for implementation. It is heartening to note that the implementation of the various suggestions has already started yielding fruits. The essential features of the revised procedures and the areas of improvement in different spheres are outlined below.

II. IMPORT REPLENISHMENT LICENCE AND CASH ASSISTANCE

14. This system aims at **granting** import permits and cash assistance for the import of materials to be used for the production of export goods. The study reveals that the average time taken for disposal of an application for import replenishment licence and cash assistance is 94 days at Bombay, and 70 days at Delhi and Kanpur. In nearly 63 per cent of the cases at Bombay, the total time taken for issuing a licence was more than 120 days; at Delhi and Kanpur, in 37 per cent of the cases the time taken was more than 90 days. There are four major factors causing delay in the disposal of applications:

(i) Most of the applications are received towards the close of the last date, resulting in periodic gluts which create a bottleneck.

(ii) Before issuing a licence or paying cash assistance, the application is subjected to a rigorous process of scrutiny for determining the eligibility and entitlement of the applicant. This is very much time-consuming.

(iii) Scrutiny of items transferred from AU licence to REP licence is extremely cumbersome.

(iv) A large number of documents are required to be submitted along with the application, with the result that most of the applications are found incomplete.

15. Several suggestions have been made to simplify the procedures so as to minimize delays in the grant of import replenishment licences and payment of cash assistance. Most of these suggestions have been accepted by the Government. For instance, in order to stagger the time-limit for submission of applications as well as to give more time to the applicant to dress up his application, a scheme has been evolved according to which every exporter will get two months' time to submit his application. This will considerably reduce the incidence of incomplete applications.

16. For processing the applications, a simplified procedure has been evolved, according to which applications for scrutiny of import replenishment will be made in two stages, namely (i) preliminary scrutiny, and (ii) detailed scrutiny. The licence will be issued after the preliminary scrutiny within 30 days. Thereafter, the detailed scrutiny will be made. If there is any difference in the value admitted at the preliminary scrutiny and that determined at the stage of final scrutiny, adjustments will be made in the subsequent entitlement of the exporter. This scheme has been accepted by the Government for implementation on a trial basis.

17. As regards scrutiny of items transferred from AU to REP licences, it is now open to the manufacturer-exporters or the nominees of the registered exporters to import items appearing in their AU licences against REP licences held by them subject to certain conditions. With the introduction of this change, the need for a detailed scrutiny of licences has been dispensed with.

18. Another important area, which simplifies the process of scrutiny, relates to the certification of the FOB value. Since the FOB value is the sole criterion for determining the exporter's entitlement, licensing authorities used to follow a very elaborate procedure in arriving at this value. It was time-consuming and delayed the issue of licence. With the introduction of the revised procedure, licensing offices

have been relieved of this work. It has been decided that banks would certify the FOB value in the bank certificate in Indian rupees. This will save time, and expedite the whole process.

III. EXCISE AND CUSTOMS CLEARANCE AND REBATE AND DRAWBACK OF DUTIES

19. In export operations, excise and customs clearance formalities as well as duty drawback and rebate procedure hold a very significant place. An easily workable and speedy operational system in these areas facilitates expeditious export operations, whereas cumbersome documentary requirements and dilatory steps involved in them tend to retard the flow of export trade and block the capital. Detailed investigations into and analysis of the existing procedures in these areas have led to some positive suggestions for improvement.

Rebate of central excise duty

20. Under the central excise and drawback rules, a large number of notified procedures regulate the refund of duty on excisable goods and imported raw materials and components used in the export product. It frequently happens that the exporter of a particular commodity has to approach the Custom House for payment of drawback and Central Excise Collectorate for payment of rebate of central excise duty. This is inconvenient and causes duplication and delay. The problem is further complicated by the fact that for each of the different categories of excisable goods, separate sets of procedures and documents have been prescribed for the purpose of obtaining clearance of goods from the factory and claiming rebate of central excise duty on their exportation. These procedures not only make it difficult to understand and comply with the rules correctly but are so complicated and time-consuming and saddled with excessive paper-work that payment of rebate is delayed. In view of these procedural difficulties, and in the interest of expediting the payment of rebate and elimination of excessive documentation incidental to the present procedure, the study suggests that the entire work relating to processing of claims and payment of rebate of central excise duty to the exporter should be handled by the Drawback Department of the Custom House.

21. This administrative change can be effected without any additional cost to the Government. There are several other advantages in introducing it. First, by centralizing the work relating to payment of drawback and rebate in one single authority, it will be possible to eliminate documents and to cut down paper-work substantially at the departmental level. Secondly, it will facilitate the process of scrutiny of

the claim and expedite the payment of rebate to the exporters. Thirdly, it will simplify the process of verification of the fact of export. Fourthly, it will reduce paper-work, because the exporters would no longer be required to file a separate claim for rebate.

22. The study has formulated a revised procedure for grant of rebate through the Drawback Department of the Custom House. This suggestion has been accepted in principle by the Central Board of Excise and Customs and is being implemented on a pilot basis in Calcutta where in respect of tea exports, rebate of excise duty is being paid along with the drawback on tea chests by the Drawback Department of the Custom House. The study has made a number of other suggestions, which are at various stages of implementation. These relate to the extension of facilities for removal of excisable goods under bond to recognized export houses and merchant-exporters, facilities for transfer of obligations of export under bond from one manufacturer-exporter to another manufacturer-exporter, standardization of application forms for removal of excisable goods for export, etc.

Customs clearance of export cargo

23. The difficulties of customs clearance can be attributed, in a large measure, to divergences in documentary forms and requirements and also in the steps involved in the processing of shipping documents at the Custom House stage. Some specific customs formalities such as verification of value at the appraisal stage, physical examination at the dock, "let ship" endorsement on the shipping bill by the Preventive Officer prior to loading operation and certification of the fact of shipment on the shipping bills and other documents by the Preventive Officer after the vessel has sailed, have been found to be the main factors responsible for delay.

24. The various problems causing inconvenience, difficulties and delay in customs clearance have been thoroughly examined and positive suggestions have been made for re-organizing and regrouping the stages of scrutiny of documents in the pre-shipment stage and rationalizing customs formalities at the shipment and post-shipment stages. These include standardization of the form, size and colour of the shipping bill at different ports, provision of check-list to facilitate scrutiny of documents, adoption of standard forms of examination orders to save time and effort, payment of export duty/cess through bank draft of any scheduled bank, examination of export cargo at source, etc. These suggestions have been accepted by the concerned authorities for implementation.

Drawback of duties

25. Another important area relates to the payment of drawback of customs and central excise duties on export goods under Section 75 of the Customs Act 1962. Analysis of the various stages through which the drawback shipping bill passes and the nature of scrutiny exercised at each stage reveals that the entire procedure is overburdened with so much detail and counter-checks that payment of drawback is very much delayed. It has been found that by re-routing the movement of documents and re-scheduling the stages of scrutiny, it would be possible to expedite the payment of claim to exporters. These suggestions have since been implemented by the Government.

IV. TRANSPORTATION AND SHIPMENT OF EXPORT CARGO

26. Procedures relating to transportation and shipment of exports are inextricably woven into total export operations. As regards railway procedures, the inordinately long time involved in the grant of rebate on exports was found to be the exporters' major grievance. The study reveals that it takes about two to three months to process and sanction rebate claims. After making intensive investigations into the causes responsible for this delay, the study suggests re-scheduling of certain formalities to facilitate and expedite the process of verification and payment of rebate claims. It suggests submission of query forms by the concerned stations to the Chief Commercial Superintendent without its having to be called for; initiation of action on receipt of the original copy of the application for rebate by the Export Rebate Section; acceptance of letter of authority in place of "power of attorney" from the shipper, authorizing the agent to receive the amount of rebate on his behalf; preparation of over-charge sheets on separate papers for export traffic, distinguishing them from sheets for traffic other than for export to facilitate quicker identification of cases involving rebate; association of accounts staff with the Export Rebate Section in the Chief Commercial Superintendent's office to make it a self-contained unit, etc. These suggestions, which aim at expediting payment of rebate to the exporter, have been accepted by the Railway Board for implementation. It is expected that the revised procedure will substantially reduce the time element and it will be possible to make payment of rebate in about three to four weeks.

Port Procedures

27. Procedures for shipment of export cargo differ from port to port. The comparative study of procedures at the ports of Bombay, Calcutta, Madras and Cochin reveals that there is sufficient room for effecting simplification in these procedures and

that in the venture each port has a useful contribution to make. The study has made a number of suggestions in this respect. These include payment of port charges after shipment, admission of cargo to the docks, maintenance of receipt tallies, consolidation of shed documents, etc.

28. Implementation of these recommendations will bring certain tangible benefits to the shippers and also to the port authorities. For instance, the extension of facility to shippers to effect payment of port charges after shipment will enable them to move the goods to the docks without having to waste their valuable time in making payment of port charges, especially when they are fighting against time to have their goods loaded in the vessel. Secondly, the maintenance of receipt tally on the vehicle ticket when cargo is unloaded in the shed will dispense with the need for preparation of separate documents for this purpose. It will also help to avoid the maintenance of elaborate records in respect of export cargo at the gate. Thirdly, maintenance of one shipping tally by the port officials in association with the representatives of shipping lines will contribute to increasing confidence in shipping lines in such tallies. This will also do away with the need for issuance of "katcha note" by shipping lines pending issue of mate's receipt to port authorities. Fourthly, the transmittance of mate's receipt by the port authorities to the shippers immediately after shipment in anticipation of payment of port charges, particularly to those who hold deposit accounts with the port authorities, will enable them to get their bills of lading much earlier than at present. Lastly, consolidation of various registers maintained by port authorities for receipt and shipment of export cargo will effect saving of effort, time and money spent in the maintenance of records at a number of places. In short, the revised procedure will make for speed, convenience and economy in the shipment operations at the ports. These recommendations are under consideration of the concerned port authorities.

Quality control and statutory pre-shipment inspection

29. The study covers four major schemes of quality control and pre-shipment inspection : quality control and statutory inspection scheme; statutory grading scheme under the Agricultural Marketing Advise; textile Committee's inspection scheme; and ISI certification marking scheme. For a large range of products covered by these schemes, the pre- and post-shipment inspection procedures are overlapping in details and dilatory in practice. The procedural requirements and documents currently involved in requisitioning the services of an inspection body, beginning with the submission of application for issue of certificate of inspection, are time-consuming and involve a lot of paper-work.

30. The study has come up with concrete recommendations for standardization of application forms for requisitioning the services of an inspection body, and has formulated revised procedures for inspection. With a view to expediting the issue of certificate of inspection, the study suggests that the Inspecting Office be authorized to prepare and issue the certificate of inspection immediately after the completion of the inspection at the factory/warehouse. The study recommends that export-worthy units should be allowed to export without having to apply for inspection certificates.

31. In the area of statutory grading scheme, under the Agricultural Marketing Adviser, the study has made a number of positive suggestions for streamlining the procedure for inspection and grading of tobacco, sannhemp and other agricultural products. It suggests that the certificate of grading should be issued by the Inspector wherever a packer can furnish the details of a firm export order. For simplification of paper-work, it suggests adoption of one combined application for obtaining original and fresh certificates of grading, and recommends that the validity of the packer's certificate of authorization should be extended to three years instead of one year at present. These suggestions have been taken note of by the Export Inspection Council and the Agriculture Marketing Adviser and are at various stages of consideration for implementation.

V. FOREIGN EXCHANGE REGULATIONS AND EXPORT FINANCE

32. Procedural difficulties in complying with exchange control formalities relating to payment of commission to overseas agents, settlement of export claims, payment of arbitration fees and legal expenses, release of exchange for advertisement and publicity abroad, etc. arise mainly on account of inadequate authority of the regional offices of the Reserve Bank of India (RBI) which has to make a reference to the Head Office in each case. The study has made a detailed investigation into this aspect and has formulated concrete proposals for delegation of powers to regional offices of RBI without infringing any of the provisions of the Foreign Exchange Act. It also suggests that the authorized dealers be given powers within certain well-defined limits to make remittance of account of export claims and commission payable to overseas agents. These suggestions are under the consideration of the RBI and, if accepted, would considerably reduce the time taken in making remittance.

33. In the area of export credit, the study emphasises that the export finance facilities offered by the banks can become more effective if simpler procedures for processing and sanctioning loan applications are evolved. It further suggests that

export finance facilities be provided at all the important centres of trade and industry. In order to overcome the present shortage of trained personnel in the banks, the study has recommended a crash programme for providing training to bank personnel in the operational details of financing exports.

VI. STANDARDIZATION OF EXPORT DOCUMENTS

34. Indian exporters have often complained about the multiplicity of export documents. With the increase in import control, foreign exchange and customs regulations, work relating to documentation has grown both in size and volume in most of the countries of the world. The quantum of such work is dictated by the requirements of government and commerce and industry. The preparation of documents needed for export consignment is a substantial undertaking involving considerable amount of time, expense and skill.

35. At present in India a large number of documents are required to be submitted by the exporter. For example, the shipping bill is required by the customs, export application or dock challan by the port authorities, GR 1 form by the Reserve Bank, AR 4 form by the Central Excise authorities, bill of lading by the shipping companies, insurance certificate by the Insurance Company, bank certificate and various application forms and statements of exports by the licensing authorities, etc. The size, layout and contents of these forms do not bear any relationship to each other, although most consignment details are common to all the forms. Each form has to be completed separately, which involves a lot of repetitive typing and checking. This may prove costly at times, as a trivial error or discrepancy in completing a form may result in delaying the processing of the application. While efforts have been made to streamline the procedures and formalities, this costly and time consuming "paper tiger" in international business has not yet received the concerted attention of Government and industry and trade in India. Much of the time and effort directed in the completion of these documents by exporters could be substantially curtailed if there is an agreed standard size and layout for all the documents.

36. The work carried out within the Economic Commission for Europe on the simplification and standardization of external trade documents has been noted in India. It is felt that the introduction of an aligned series of external trade documents in India would be of great advantage, and that the ECE layout key should be taken into consideration as a basis for its design. The application of an aligned series of forms in a "one run" system of document preparation has been recognized as one of the best

methods to reduce export documentation costs. This method, however, requires a particular type of office machine which might not generally be available in the offices concerned.

37. Though for the time being developing countries like India may not have the necessary apparatus for adopting the one run system, the advantage of standardized documents nevertheless are many. It is easy to type the same information in the forms in one series. Secondly, it is easy to spot a particular information given in forms. In the government departments such as the customs, licensing offices, ports, etc., the processing of applications will be much quicker if the documents are standardized and information common to all the forms occupies the same space and position.

38. In view of the great advantages which flow from standardization of export documents, it is desirable that India should also make efforts towards evolving a system of standardizing such documents. Since documents are required by many departments and organizations it would be necessary to get the concurrence of all the concerned organizations about the size and design of the documents. It has therefore been suggested that the Government of India should appoint a Working Group consisting of the representatives of the concerned Government Departments and Organizations to evolve a standard design and size of the documents used in export trade.

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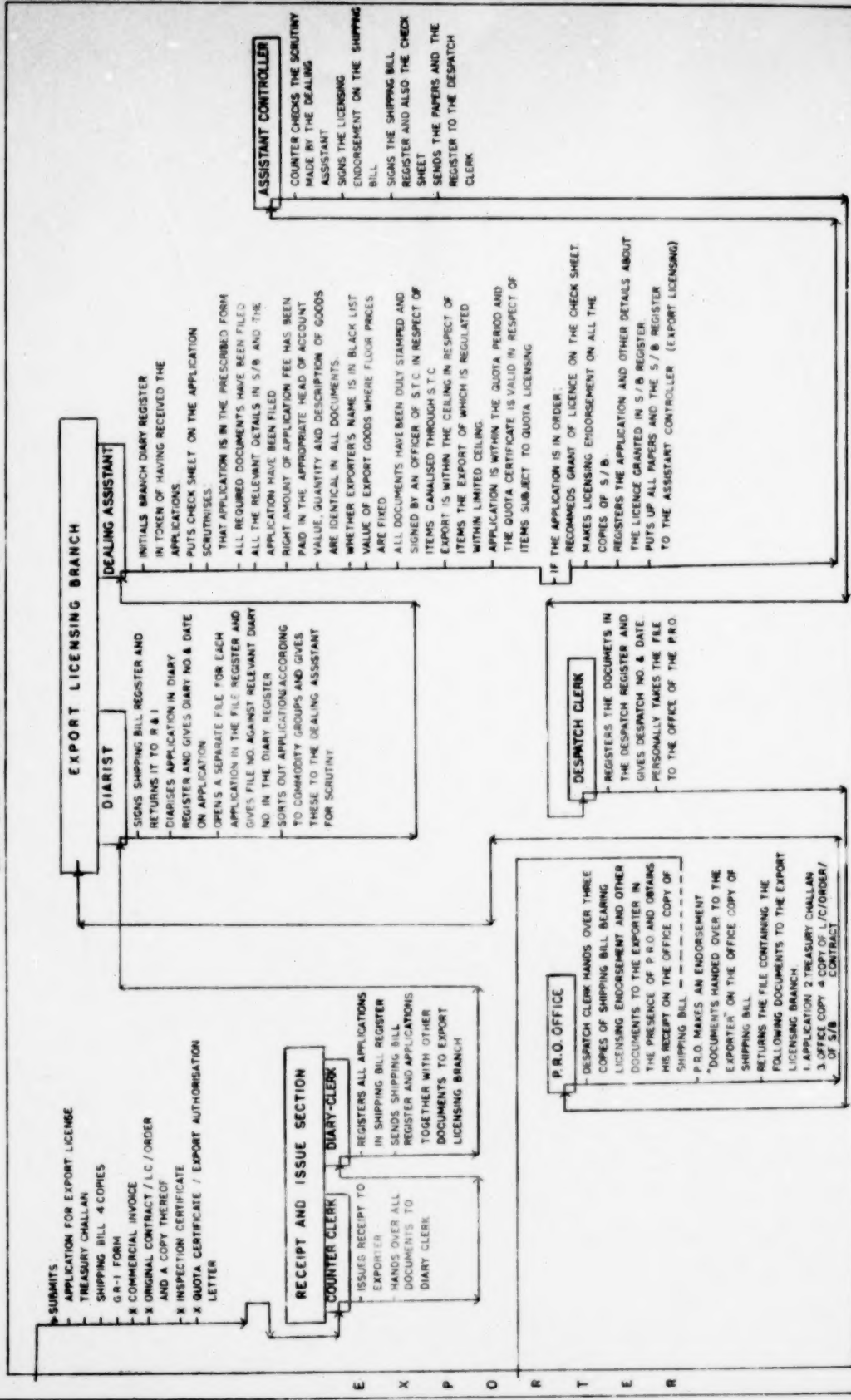
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39. Flow charts have been prepared for all the existing and revised procedures accounted for above. As an example, the flow charts for the existing and revised export licensing procedure are reproduced in Annexes 1 and 2.

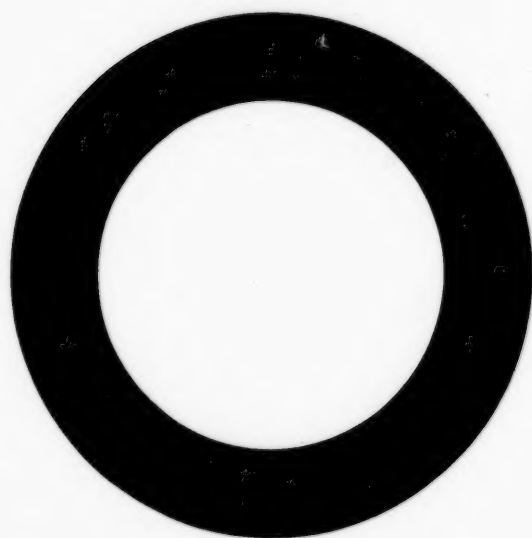
EXISTING PROCEDURE — EXPORT LICENSING

JOINT CHIEF CONTROLLER OF IMPORTS & EXPORTS

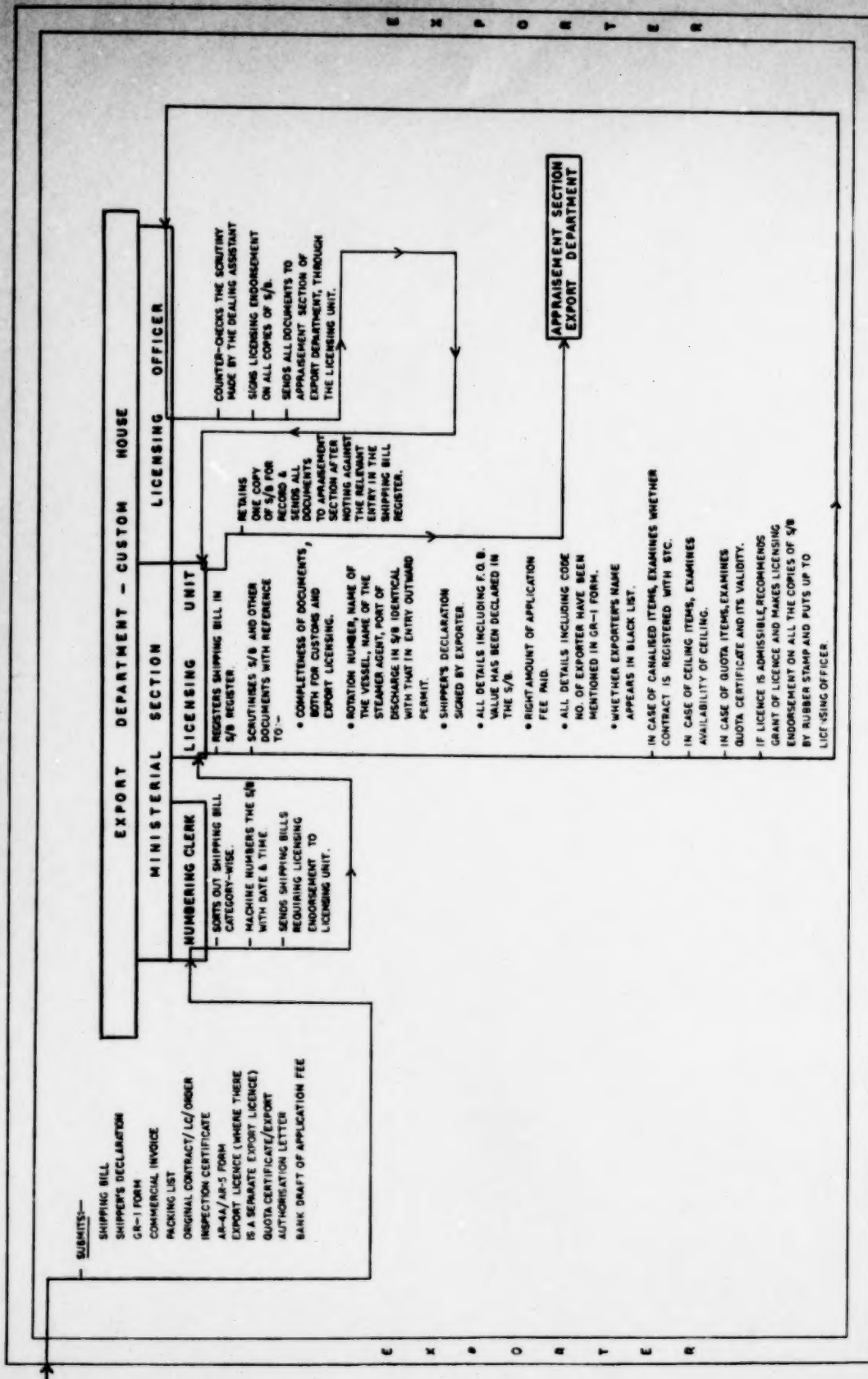


X FOR ITEMS SUBJECT TO QUOTA LICENSING, MERT ITEMS OR WHERE FLOOR PRICES ARE FIXED

KEY: R & I : RECEIPT AND ISSUE
S/B : SHIPPING BILL
P.R.O. : PUBLIC RELATION OFFICER



REVISED PROCEDURE - EXPORT LICENSING



- KEY**
- S/B: SHIPPING BILL
U/C: LETTER OF CREDIT
- NOTES—**
- SHIPPER'S DECLARATION WILL BE PASTED ON THE BACK OF SHIPPING BILL
 - LICENSING UNIT WILL BE LOCATED IN THE EXPORT DEPARTMENT, CUSTOM HOUSE (MINISTERIAL SECTION) AND WILL SCRUTINISE THE DOCUMENTS BOTH FROM THE POINT OF VIEW OF CUSTOMS AND LICENSING POLICY
 - FOR EXPORT OF FREELY LICENCED ITEMS, LICENSING ENDORSEMENT WILL BE MADE BY THE APPRAISER
 - LICENSING OFFICER OF THE BANK OF ASSISTANT CONTROLLER WILL WORK IN THE EXPORT DEPARTMENT OF CUSTOM HOUSE